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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,170	08/22/2003	Akito Kikuchi	44471-291424	9013
23370	7590	10/01/2004	EXAMINER	
JOHN S. PRATT, ESQ KILPATRICK STOCKTON, LLP 1100 PEACHTREE STREET ATLANTA, GA 30309			JUBA JR, JOHN	
			ART UNIT	PAPER NUMBER
			2872	

DATE MAILED: 10/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/646,170

Applicant(s)

KIKUCHI, AKITO

Examiner

John Juba, Jr.

Art Unit

2872



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☒ Claim(s) 3-7 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/22/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoshida, et al (U.S. Patent number 6,412,960). Referring *for example* to the second embodiment and initially to Figure 13, Yoshida, et al disclose a mirror drive unit comprising:

a power unit (142) disposed in a mirror housing (116);

a mirror holder (150 in Fig. 7) tiltably supported by the power unit through a joint (154)(162); and

an angle detection unit (186) disposed in the power unit, the angle detection unit detecting a tilt angle of the mirror holder, wherein

the angle detection unit is provided with a temporary fixing mechanism (260) for temporarily (detachably) fixing the angle detection unit to the power unit.

Art Unit: 2872

The detachability of the angle detection unit is central to the invention of Yoshida, et al (Col. 1, lines 43 – 46). Thus, it is believed that *each* of the embodiments of Yoshida, et al includes the “temporary” fixing mechanism, such that mechanism (260) would be understood as being in an interference-fit relationship with co-acting mechanism (258). However, if such is not the case, then Yoshida, et al disclose another embodiment in which a temporary fixing mechanism (28) is provided on the angle detection unit (10), where the operation of the temporary fixing mechanism is further described by the claims.

With regard to claim 2, the engagement portions (254) are shown extending from the power unit in Figure 7. Although Yoshida, et al characterize the temporary fixing mechanism (260) comprising a pair of “mounting legs” (Col. 11, lines 67), one of ordinary skill would regard the characterization of the appendages as “arms” to be equally applicable. That is, the selection of one nomenclature over the other is believed to be arbitrary, and fails to distinguish the claimed *structure* itself from that of the prior art.

Allowable Subject Matter

Claims 3 – 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter:

Art Unit: 2872

The prior art, taken alone or in combination, fails to teach or fairly suggest a mirror drive unit comprising, *in combination*,

a cylinder portion projected from the power unit and including an inner peripheral surface slidably guiding tilting of the mirror holder, particularly wherein said cylinder portion is part of an engagement portion projected from the power unit, into which are fitted a pair of arms projected from a body of the angle detection unit, in the manner recited in claim 3;

claws as part of the angle detection unit and abutting a rear face of the power unit *and* a pair of arms as a temporary fixing mechanism projected from a body of the angle detection unit, the arms abutting on a front face of the power unit, as recited in claim 5; or

an engagement portion projected from the power unit *and having an outer diameter smaller than distal ends* of two arms projected from a body of the angle detection unit as a temporary fixing mechanism, in the manner recited in claim 6.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Guttenberger (U.S. Patent number 6,650,080) discloses angle-detecting potentiometers with a temporary fixing mechanism (18) for engagement with a mirror drive housing.

Henion, et al (U.S. Patent number 6,254,242) disclose a temporary fixing mechanism for mounting angle detecting potentiometers in a rear view mirror assembly.

Art Unit: 2872

ICHIKOH IND LTD (JP 200-157391 A) disclose a power unit for a vehicle mirror, the power unit containing an angle detection unit which is attached to the power unit via screws (13) passing through an attachment section (40) of the angle detection unit.

TOAKI RIKA CO LTD (JP 2000-142224 A) disclose a power unit for a vehicle mirror, the power unit containing an angle detection unit, the "hold case" (32) of the angle detection unit being mounted to the front face of the front housing (4a) and having sensors within a volume assembly (34a) thereof.


ICHIKOH IND LTD (JP 11-255028 A) disclose a power unit for a vehicle mirror, the power unit containing an angle detection unit, the base (12) of the angle detection unit clamped between cover portions (3)(19) of the power unit housing, the angle detection unit having sensors (15)(16) mounted to a substrate (18), wherein the substrate is clipped to the base (12) by resilient attachment sections (12E).

HOSIDEN CORP (JP 08-106837 A) disclose a power unit that can be used with a door mirror, the power unit having an angle detection unit with a central opening accommodating the central shaft of the power unit.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Juba whose telephone number is (571) 272-2314. The examiner can normally be reached on Mon.-Fri. 9 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Drew Dunn whose number is (571) 272-2312 and who can be reached on Mon.- Thu., 9 - 5.

The centralized fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for *all* communications.


JOHN JUBA, JR.
PRIMARY EXAMINER
Art Unit 2872

September 30, 2004